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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/892,633

06/28/2001

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219.40067X00 (ATSK)

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07/08/2009

EXAMINER

TRAN, QUOC A

ART UNIT

PAPER NUMBER

2176

MAIL DATE

DELIVERY MODE

07/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/892,633	<b>Applicant(s)</b> TEMPLETON ET AL.	
	<b>Examiner</b> Quoc A. Tran	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is a Non Final Office Action in responses to paper filed 04/28/2009.

- Claims 13-18 are pending.
- Claims 13 and 16 are independent claims.
- Claims 1-12 are canceled.
- Claims 13 and 16 are amended.

The current application originally filed 06/28/2001. (Intel)

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/28/2009 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

***(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.***

**Claims 13-18**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Worley** et al. (US 20030177175A1- Provisional 60/286,369-filed 04/26/2001) (hereinafter [Worley]), in view of **Hayton** et al.,(US007346842B1- filed 11/02/2000) (hereinafter [Hayton]).

***Independent claim 13***, Worley teaches:

**A method of communicating between web pages,**

(At Page 1 Par [0006] → Worley discloses this limitation, as clearly indicated in the cited text, [e.g. dynamically display web pages to the browsers.]

**comprising: receiving an incoming XML data element from a source web page; initializing a modified XML data element to form an XML script containing an original web template for display by a web browser; determining if delimiters are present in the incoming XML data element;**

(At Page 3 Par [0020] and Para [0032-0039] → Worley discloses this limitation, as clearly indicated in the cited text, [e.g. using the namespace mechanism in XML to mark

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the GUI XML element contained in the XHTML file; parsing the XHTML file to locate a GUI XML element; converting the GUI XML element into an HTML template which instructs the browser to perform actions intended by the GUI XML element; replacing the GUI XML element within the XHTML file with the HTML template; and displaying the resulting HTML file by the browser, resulting in displaying the requested web page.])

**parsing the incoming XML data element based on the delimiters to determine the source web page, a destination web page, and data to be received by the destination web page;**

(At Page 3 Par [0020] → Worley discloses this limitation, as clearly indicated in the cited text, [e.g. using the namespace [e.g., namespaces provide a means of distinguishing between elements and attributes from different XML vocabularies that have the same name of a web page] in a web page mechanism in XML to mark the GUI XML element contained in the XHTML file; parsing the XHTML file to locate a GUI XML element; converting the GUI XML element into an HTML template which instructs the browser to perform actions intended by the GUI XML element; replacing the GUI XML element within the XHTML file with the HTML template; and displaying the resulting HTML file by the browser, resulting in displaying the requested web page.] Also Worley further discloses an a sample XML document file using XML data element based on the delimiters to locate a GUI XML element and enables browsers to redisplay or refresh pages periodically while limiting retransmission of data to changing dynamic portions (data fields, dynamic content) of page files and avoiding retransmission of static

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portions of page files. This is generally discloses at the Abstract and at Para [0032 through 0039] of Worley.)

```

<?xml version="1.0"?>
<skeleton xmlns="http://www.emweb.com/xml/skeleton.dtd">
<![CDATA[<!DOCTYPE HTML PUBLIC "-//w3c//DTD HTML 4.01//EN">
<html>
  <head>
    <title>Document A</title>
    <EMWEB__REFRESH START INTERVAL="2000"/>
  </head>
  <body>
    <h1>Document A</h1>
    These links shouldn't work in prototyping . . . <br />
    <a href="index.html">index.html</a>
    <br />
    ]]><dynamic ns="emweb" id="ewxDate"/><![CDATA[
      <table>
        <tr><td>Total</td>
          <td align="right">]]><dynamic ns="emweb" id="RANDOM6"
param="1"/><![CDATA[ </td>
        </tr>
        <tr><td>Local Destination</td>
          <td align="right">]]><dynamic ns="emweb" id="RANDOM6"
param="2"/><![CDATA[ </td>
        </tr>
        <tr><td>Format Errors</td>
          <td align="right">]]><dynamic ns="emweb" id="RANDOM6"
param="3"/><![CDATA[ </td>
        </tr>
        <tr><td>Checksum Errors</td>
          <td align="right">]]><dynamic ns="emweb" id="RANDOM6"
param="4"/><![CDATA[ </td>
        </tr>
      </table>
    </body>
  </html>
]]></skeleton>

```

wherein each "Parameter 1, 2, 3 and 4" and begin and end tags are representing portions of XML Document and source, local destination, and data to be received by the destination web page wherein XML is meta-markup language for text documents. Data is included in XML documents as strings of text, and the data is surrounded by text markup that describes the data. A particular unit of data and markup is called an element. The XML specification defines the exact syntax this markup must follow: how elements are delimited by tags (token).

**displaying the modified XML data element using a web browser, said modified XML data element including a template for the destination web page.**

(At Page 3 Par [0020] → Worley discloses this limitation, as clearly indicated in the cited text, [e.g. using the namespace mechanism in XML to mark the GUI XML element contained in the XHTML file; parsing the XHTML file to locate a GUI XML element; converting the GUI XML element into an HTML template which instructs the browser to perform actions intended by the GUI XML element; replacing the GUI XML element within the XHTML file with the HTML template; and displaying the resulting HTML file by the browser, resulting in displaying the requested web page.] )

In addition, Worley does not expressly teach, but Hayton teaches:

**creating a pretoken from the data in the incoming XML data element;  
determining if an ending delimiter is present in the incoming XML data**

**element; wherein if an ending delimiter is present, further comprising:  
saving the beginning and ending delimiters as a token; storing the data in  
the token as a temporary value;**

(At FIG. 2b and at Col. 5, lines 40-66 → Hayton discloses this limitation, as clearly indicated in the cited text, [e.g. the web page 240 includes a plurality of page portions 260a, 260b, 260c, 260d, 260e, and 260f (generally referred to as 260) that generate the corresponding page portions 260 utilized html/xml, wherein **XML** is a meta-markup language for text documents. Data is included in XML documents as strings of text, and the data is surrounded by text markup that describes the data. A particular unit of data and markup is called an element. The XML specification defines the exact syntax this markup must follow: how elements are delimited by tags (token), also see the current specification at page 9 Para [0021, the first two sentences]].] Also Hayton further discloses the processes of incorporating a partial page into a transmitted page displayed on a client by ID a first portion of the transmitted page displayed on the client and inserting the copied first portion (pre-token) into a second portion (token) (changing an identification tag of first into second) of the transmitted page displayed on the client and saving the first portion in a storage buffer (stored as a temporary value). This is generally disclosed at Col. 2 lines 3-65 and at Col. 17 line 25 through Col. 18 line 30 of Hayton.])

Therefore, as broadly disclosed in the instant specification at Page 3 Par [0004] and Page 9 Para [0021, first two sentences- token and pretoken], it is reasonable to find that Hayton's static and dynamic page portion uses identification ID as a location for



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updating transmitted web page is similar to the token and pretoken functionality as claims in the current application; the examiner concludes, reasonably, that the claimed token and pretoken for identify the element of a web page and the ending delimiter is present is described by Hayton.)

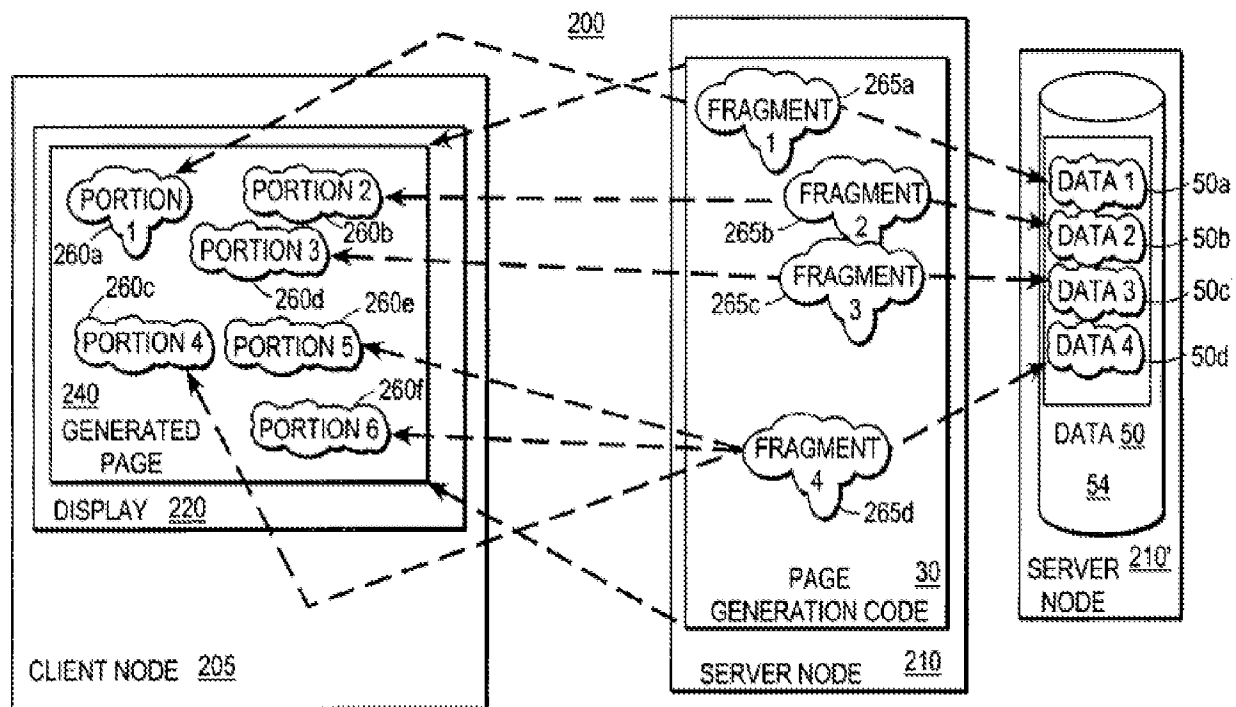


FIG. 2b

concatenating the temporary value and the pretoken to form the modified XML data element wherein if an ending delimiter is not present further comprising: concatenating the pretoken to a token to the modified XML data element;

(At Col. 17 line 25 through Col. 19, lines 50→ Hayton discloses this limitation, as clearly indicated in the cited text, [e.g., the partial page regenerator generates updates

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portions of the page by linking two empty list and the query for the highest node and subsequence of child nodes (ending delimiter is not present) wherein the list are a working list and a modify list to form a transmitted page displayed on a client.] Also Worley further discloses the processes of incorporating a partial page into a transmitted page displayed on a client by ID a first portion of the transmitted page displayed on the client and inserting the copied first portion (pre-token) into a second portion (token) (changing an identification tag of first into second) of the transmitted page displayed on the client and saving the first portion in a storage buffer. This is generally discloses at Col. 2 lines 3-65 and at Col. 17 line 25 through Col. 18 line 30 of Hayton.]

Therefore, as broadly disclosed in the instant specification at Page 9 Para [0022], it is reasonable to find that Hayton's partial page regenerator generates updates portions of the page by linking two empty list and the query for the highest node and subsequence of child nodes similar to the step of said ending delimiter is not present further comprising: concatenating the pretoken to a token to the modified XML data element as claims in the current application; the examiner concludes, reasonably, that the claims if an ending delimiter is not present further comprising: concatenating the pretoken to a token to the modified XML data element is present is described by Hayton.)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Worley's method for displaying the modified XML data element using a web browser, said modified XML data element including a

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template for the destination web page and parsing the incoming XML data element based on the XHTML updated portion of a web page to determine the source web page, a destination web page, and data to be updated by the destination web page (transmitted page); to include a means of said creating and concatenating the pretoken to a token to the modified XML data element from the data in the incoming XML data element and further comprising: saving the beginning and ending delimiters as a token; storing the data in the token as a temporary value and store as temporary value and concatenating the temporary value and the pretoken to form the modified XML data element wherein if an ending delimiter is not present further comprising: concatenating the pretoken to a token to the modified XML data element as taught by Hayton, in order to communicated between web pages for regenerating portions of the page that have changed and transmitting only those portions to the client for display (see Hayton at the Abstract).

***Claim 14,***

Worley and Hayton teach the method of Claim 13, further comprising:

**wherein incoming XML data element is a portion of a web page in which that data to be displayed is changing, and token said token is an existing web page.**

(At Page 3 Par [0020] and at Para [0032-0039] → Worley discloses this limitation, as clearly indicated in the cited text, [e.g. using the namespace mechanism in XML; a meta-markup language for text documents. Data is included in XML documents as

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strings of text, and the data is surrounded by text markup that describes the data. A particular unit of data and markup is called an element. The XML specification defines the exact syntax this markup must follow: how elements are delimited by tags (token) to mark the GUI XML element contained in the XHTML file; parsing the XHTML file to locate a GUI XML element; converting the GUI XML element into an HTML template which instructs the browser to perform actions intended by the GUI XML element; replacing the GUI XML element within the XHTML file with the HTML template; and displaying the resulting HTML file by the browser, resulting in displaying the requested web page.])

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```

<?xml version="1.0"?>
<skeleton xmlns="http://www.emweb.com/xml/skeleton.dtd">
<![CDATA[<!DOCTYPE HTML PUBLIC "-//w3c//DTD HTML 4.01//EN">
<html>
  <head>
    <title>Document A</title>
    <EMWEB__REFRESH START INTERVAL="2000"/>
  </head>
  <body>
    <h1>Document A</h1>
    These links shouldn't work in prototyping . . . <br />
    <a href="index.html">index.html</a>
    <br />
    ]]><dynamic ns="emweb" id="ewxDate"/><![CDATA[
      <table>
        <tr><td>Total</td>
          <td align="right">]]><dynamic ns="emweb" id="RANDOM6"
param='1'/><![CDATA[ </td>
        </tr>
        <tr><td>Local Destination</td>
          <td align="right">]]><dynamic ns="emweb" id="RANDOM6"
param='2'/><![CDATA[ </td>
        </tr>
        <tr><td>Format Errors</td>
          <td align="right">]]><dynamic ns="emweb" id="RANDOM6"
param='3'/><![CDATA[ </td>
        </tr>
        <tr><td>Checksum Errors</td>
          <td align="right">]]><dynamic ns="emweb" id="RANDOM6"
param='4'/><![CDATA[ </td>
        </tr>
      </table>
    </body>
  </html>
]]></skeleton>

```

wherein each "Parameter 1, 2, 3 and 4" and begin and end tags are representing portions of XML Document A, wherein XML is meta-markup language

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for text documents. Data is included in XML documents as strings of text, and the data is surrounded by text markup that describes the data. A particular unit of data and markup is called an element. The XML specification defines the exact syntax this markup must follow: how elements are delimited by tags (token).

***Claim 15,***

Worley and Hayton teach the method of Claim 13, further comprising:

**wherein said modified XML data element is the web page to be displayed.**

(At Page 3 Par [0020] → Worley discloses this limitation, as clearly indicated in the cited text, [e.g. using the namespace mechanism in XML to mark the GUI XML element contained in the XHTML file; parsing the XHTML file to locate a GUI XML element; converting the GUI XML element into an HTML template which instructs the browser to perform actions intended by the GUI XML element; replacing the GUI XML element within the XHTML file with the HTML template; and displaying the resulting HTML file by the browser, resulting in displaying the requested web page.] )

***Regarding independent claim 16,***

Claim 16 recites a computer program product configured to perform the method of claim 13. Thus, Worley and Hayton disclose every limitation of Claim 16 and provide proper reasons to combine, as indicated in the above rejections for Claim 13. In addition Worley further discloses GUI development kits, such as

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included in embedded web servers; a DSL modem and any software system a computer screen; which can be stored in a hard disk (see Worley at Para [011].)

***Claims 17-18, respectively***

Claim(s) 17-18 recite a computer program product configured to perform the method of claim(s) 14-15 respectively. Thus, Worley and Hayton disclose every limitation of Claim(s) 17-18 and provide proper reasons to combine, as indicated in the above rejections for Claim(s) 14-15. In addition Worley further discloses GUI development kits, such as included in embedded web servers; a DSL modem and any software system a computer screen; which can be stored in a hard disk (see Worley at Para [0011].)

***Response to Arguments***

Applicant's arguments filed with current paper have been considered but are moot in view of the new ground(s) of rejections as cited above.

This is a NonFinal office action in order to provide applicant the opportunity to response to the new grounds of rejection, which is set forth above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is 571-272-8664. The examiner can normally be reached on Mon through Fri 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571)272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quoc A. Tran/  
Examiner, Art Unit 2176

/DOUG HUTTON/  
Supervisory Patent Examiner, Art Unit 2176